

**REISSUE DECLARATION AND POWER OF ATTORNEY**

As below named inventors, we hereby declare that our residence, post office address and citizenship are as stated below next to our name: that we verily believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Patent 5,712,155, granted January 27, 1998, and for which a reissue patent is sought on the invention entitled:

**DNA ENCODING TUMOR NECROSIS  
FACTOR- $\alpha$  AND - $\beta$  RECEPTORS**

the specification of which is attached hereto.

We have reviewed and understand the contents of the above-identified specification, including the claims; that we acknowledge our duty to disclose information of which we are aware which is material to the patentability of this application under 37 C.F.R. 1.56. We verily believe the original patent to be wholly or partially inoperative or invalid by reason of the patentees claiming less than we had a right to claim, i.e., due to our Attorney's failure to appreciate the full scope of our invention, we did not initially claim a process for producing the protein capable of binding TNF (now sought in Reissue Claims 28-31, 42-45, 56-59, 70-73 and 84-87), and we did not claim the varied scope of DNA molecules, vectors and host cells (now sought in Reissue Claims 18-27, 32-41, 46-55, 60-69 and 74-83).

We hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number	Country	Filing Date	Priority Claimed (yes or no)
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We hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge our duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
07/403,241	September 5, 1989	Abandoned
07/405,370	September 11, 1989	Abandoned
07/421,417	October 13, 1989	Abandoned
07/523,635	May 10, 1990	Patented (U.S. Patent 5,395,760)
08/346,555	November 29, 1994	Patented (U.S. Patent 5,712,155)

All errors corrected in this reissue application arose without any deception intention on the part of applicants.

We hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Danicis, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; and Robert M. Masters, Reg. No. 35,603, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202.

FROM : SUGHRUE-DC

PHONE NO. : 202+293+7860

Aug. 27 1998 01:54PM P13

We hereby declare that all statements herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 8/28/98 First Inventor Craig A. SMITH  
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Citizenship U.S.A.

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First Name Middle Initial Last Name  
Residence Seattle, WASHINGTON Signature Raymond J. Goodwin  
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Citizenship U.S.A.

Date 8/28/98 Third Inventor M. Patricia BECKMANN  
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Residence Poulsbo, WASHINGTON Signature Patricia Beckmann  
Post Office Address: 5454 Ragan Lane, Poulsbo, WASHINGTON 98370  
Citizenship U.S.A.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

CRAIG A. SMITH et al

Reissue Application of:  
U.S. Patent 5,712,155

Group Art Unit: 1646

Examiner: Basham, D.

Issued: January 27, 1998

Reissue Application Filed : August 31, 1998

For: DNA ENCODING TUMOR NECROSIS  
FACTOR- $\alpha$  AND - $\beta$  RECEPTORS

**CONSENT OF THE ASSIGNEE TO REISSUE PURSUANT  
TO 37 C.F.R. § 1.171(a)**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Immunex Corporation is the assignee, i.e., owner, of the entire right, title and interest of the technology disclosed and claimed in Smith et al, U.S. Patent 5,712,155, which issued on January 27, 1998, as evidenced by the Assignment recorded in Parent U.S. Patent Application Serial No. 07/523,635, at Reel 5325, Frame 0315.

Immunex Corporation hereby certifies that the above-mentioned Assignment has been reviewed and to the best of Immunex Corporation's knowledge and belief, title is in Immunex Corporation which is seeking to take this action.

Immunex Corporation hereby consents to the filing of a reissue application of Smith et al, U.S. Patent 5,712,155.

**CONSENT OF THE ASSIGNEE TO REISSUE  
PURSUANT TO 37 C.F.R. § 1.171(a)  
U.S. Patent No. 5,712,155**

By virtue of my position at Immunex Corporation, I am authorized to sign this written consent on behalf of the assignee, i.e., Immunex Corporation, of Smith et al, U.S. Patent 5,712,155.

  
Scott G. Hallquist  
Senior Vice President  
General Counsel  
Immunex Corporation

2025 RELEASE UNDER E.O. 14176

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

CRAIG A. SMITH et al

Reissue Application of:  
U.S. Patent 5,712,155

Group Art Unit: 1646  
Examiner: Basham, D.

Issued: January 27, 1998

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FACTOR- $\alpha$  AND - $\beta$  RECEPTORS

**OFFER TO SURRENDER LETTERS PATENT PURSUANT  
TO 37 C.F.R. § 1.178**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Immunex Corporation is the assignees, i.e., owner, of the entire right, title and interest of the technology disclosed and claimed in Smith et al, U.S. Patent 5,712,155, which issued on January 27, 1998, as evidenced by the Assignments recorded in Parent U.S. Patent Application Serial No. 07/523,635, on at Reel 5325, Frame 0315.

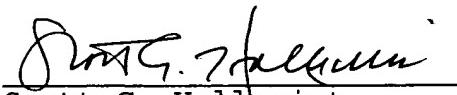
Immunex Corporation hereby certifies that the above-mentioned Assignment has been reviewed and to the best of Immunex Corporation's knowledge and belief, title is in Immunex Corporation which is seeking to take this action.

OFFER TO SURRENDER LETTERS PATENT  
PURSUANT TO 37 C.F.R. § 1.178  
U.S. Patent 5,712,155

Immunex Corporation hereby offers to surrender the original Letters Patent U.S. Patent 5,712,155 to the United States Patent and Trademark Office.

By virtue of my position at Immunex Corporation, I am authorized to sign this offer to surrender on behalf of the assignee, i.e., Immunex Corporation, of Smith et al, U.S. Patent 5,712,155.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent 5,712,155.

  
Scott G. Hallquist  
Senior Vice President  
General Counsel  
Immunex Corporation